

HOUSE BILL 3486
By McMillan

AN ACT to amend Tennessee Code Annotated, Section 55-50-303;
Section 55-50-321; Section 55-50-322; Section 55-50-323;
Section 55-50-331; Section 55-50-332; Section 55-50-337
and Section 55-50-102, relative to driver license issuance.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 55-50-102 is amended by adding the following new subsection (18) and renumbering the remaining subsections accordingly:

- (18) “Certificate for Driving” means a certificate issued by the department to an individual who does not satisfy the requirements of § 55-50-321(c)(1)(C).

SECTION 2 Tennessee Code Annotated, Section 55-50-303(a), is amended by adding the following subdivision:

- (9) To any person who is not a United States citizen or otherwise legally present in the United States.

SECTION 3. Tennessee Code Annotated, Section 55-50-321(c)(1), is amended by adding the following subdivision:

- (C) Any applicant subject to the provisions of subdivision (B) of this subsection applying for a driver license, instruction permit, intermediate driver license, or photo identification license, upon initial issuance, renewal or reinstatement, shall provide either an original or certified copy of one of the following:
 - (i) Documentation that the applicant is a citizen of the United States; or
 - (ii) Documentation issued by the United States government establishing the applicant’s legal presence in the United States.

SECTION 4. Tennessee Code Annotated, Section 55-50-322(a)(1)(A), is amended by deleting the first sentence and substituting instead the following:

The department shall examine every applicant for a driver license, intermediate driver license, learner permit, or certificate for driving, except as otherwise provided in this part.

SECTION 5. Tennessee Code Annotated, Section 55-50-323, is amended by adding the following language as a new, appropriately designated subsection:

- (e) The fee charged for a license, permit, or certificate for driving issued pursuant to § 55-50-331(g) or (h) shall be prorated depending on the expiration date of such license, permit, or certificate for driving.

SECTION 6. Tennessee Code Annotated, Section 55-50-331, is amended by adding the following new subsection:

- (g) Notwithstanding any other provision of law to the contrary, the department may issue a driver license, instruction permit, intermediate driver license, or photo identification license to persons who are not United States citizens but are otherwise legally present in the United States. Such license or permit shall be valid only during the period of the time of the applicant's authorized stay in the United States, or if there is no definite end to the period of authorized stay, a period of one year. In no event shall such license be issued for a longer period of time than that provided in § 55-50-337(a). Such a driver license, instruction permit, intermediate driver license, or photo identification license may be renewed only upon presentation of valid documentary evidence that the status by which the applicant qualifies for such a license or permit has been extended by the United States government beyond the expiration date of the license or permit.
- (h)(1) Notwithstanding any other provision of law to the contrary, the department may issue a certificate for driving to persons who do not satisfy the requirements of § 55-50-321(c)(1)(C). Such certificate for driving shall be valid for a period of one year. Persons making an application for such certificate for driving shall comply with all other laws relative to the issuance of driver licenses and financial responsibility.
- (2) Such certificate for driving shall be clearly distinguishable from a driver license and shall clearly display on its face a phrase substantially similar to "FOR DRIVING PURPOSES ONLY — NOT VALID FOR IDENTIFICATION".

SECTION 7. Tennessee Code Annotated, Section 55-50-332, is amended by adding the following subsection:

- (c) Duplicate licenses, permits, or certificates for driving obtained in place of such licenses, permits, or certificates for driving, issued pursuant to § 55-50-331(g) or (h), shall expire pursuant to such subsection.

SECTION 8. Tennessee Code Annotated, Section 55-50-337, is amended by adding the following new subsections:

- (c) Notwithstanding any other provisions of law to the contrary, licenses, permits, or certificates for driving issued pursuant to § 55-50-331(g) or (h) shall be valid during the period of time specified in such subsections.
- (d) Any person issued a license or permit prior to the effective date of this act, who is subject to the provisions of § 55-50-321(c)(1)(C)(ii) and § 55-50-331(g) shall, upon renewal or reapplication, receive, if otherwise eligible, a license or permit, which shall expire in accordance with § 55-50-331(g).
- (e) Any person issued a certificate for driving pursuant to § 55-50-331(h) shall, upon renewal or reapplication, receive, if otherwise eligible, a certificate for driving, which shall expire in accordance with § 55-50-331(h).

SECTION 9. For rulemaking purposes, this act shall be effective upon becoming law, the public welfare requiring it. For all other purposes, Section 2 and Section 3 of this act shall be effective upon becoming law, and Sections 1 and 4 through 8 shall be effective July 1, 2004, the public welfare requiring it.